

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VILLAGE OF MILFORD

Plaintiff,

Case No. 99-cv-70950-DT

v.

K-H HOLDING CORPORATION and TRW, INC.,

Defendants.

AMENDED ORDER OF DISMISSAL

At a session of said Court, held in the U.S. Courthouse and Federal Building, in Detroit, Michigan, on August 16, 2006

Present: Honorable Robert H. Cleland
United States District Judge

The Court having been advised by counsel in conference that the parties have worked diligently and that all issues in the above-entitled action have been settled in principal. Counsel further advised the court that a potentially lengthy “due diligence” study must be completed by a third party before ultimate conclusion of the settlement’s closing documents between the parties in this case. Therefore

IT IS ORDERED that the above-entitled action be, and the same hereby is, DISMISSED.

This dismissal is entered WITHOUT PREJUDICE to the right of either party, within three hundred and sixty-four (364) days of the date of this amended order, to notify the court that this Amended Order of Dismissal should be vacated and the case reinstated. The court shall thereupon enter an Order reopening the case without cost to either party. Upon the case being

reopened, the court's present scheduling order shall also be reinstated and the next scheduled event shall be deemed to be due twenty-one (21) days following the order of reopening. Further, briefing obligations on Plaintiff's pending Motion for Leave to Submit Evidence of Post-Trial Response Costs and Evidence Related to Attorneys Fees Incurred In and After February 1997 shall resume and Defendants' Response to that Motion shall be due within fourteen (14) days following the order of reopening.

IT IS FURTHER ORDERED that in the event of case reinstatement, any allowable interest later found to be due is deemed to have continued to accrue during the period of without-prejudice dismissal;

IT IS FURTHER ORDERED that in the event of case reinstatement, any statute of limitations that might otherwise apply is deemed to have been tolled during the period of without-prejudice dismissal, and the reinstated claims shall relate back to the date such claims were originally filed by Plaintiff.

After 364 days from this date (or earlier, upon request of the parties), this dismissal shall become with prejudice.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 16, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 16, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522